

**MINUTES OF THE CITY OF OKOBOJI PLANNING AND ZONING COMMISSION
MEETING HELD ON JANUARY 4, 2021.**

The Planning and Zoning Commission of the City of Okoboji met at the above date at 5:30 PM via Zoom video conference and teleconference. Commission members present were Jane Shuttleworth, Perry Pearson, John McMahon, Barb Mendenhall, and Hank Grant. Others present were Jim Caffrey and Jeff Hoemann.

Chairman Pearson called the meeting to order.

Motion made by Commissioner Shuttleworth and a second by Commission Mendenhall to approve the meeting minutes from November 2, 2020. The following Commissioners voted "AYE": Shuttleworth, Mendenhall, Grant, Pearson, McMahon.

Chairman Pearson opened conversation on potential amendments to Section 14.4 of the City of Okoboji Zoning Ordinance pertaining to non-conforming structures and uses within residentially zoned districts.

City Administrator Meyers reviewed the situation as previously discussed during the November 2, 2020 Planning and Zoning Commission meeting. Meyers advised he did research and spoke with other communities to see how to help resolve the situation if desired. Meyers advised that most communities have similar language to the City of Okoboji. Meyers felt the Planning and Zoning Commission was seeking language to make reconstruction possible. Meyers advised he found some language that he felt was the best possible middle ground for the current situation.

Meyers advised on adding the following language to the City of Okoboji Zoning Code should they want to move forward. "The Board of Adjustment may permit the reconstruction or continuance of a nonconforming structure or use that has been damaged by fire, flood, explosion, war, riot, or act of God, to the extent of more than 50% of its market value, where the Board finds some compelling necessity requiring the continuation of the nonconforming use or structure." Meyers advised that this gives someone a road map to a successful hearing with the City but still requires approval of the Board of Adjustment and thus notification of the neighbors within 200'.

Commissioner Mendenhall commented on the language pertaining to the continuation of a nonconforming structure and not just a nonconforming use. Meyers agreed that this language could be amended to just have the nonconforming use as there is already a variance process for nonconforming structures.

Commissioner McMahon asked if only two properties that were relevant in this situation. Meyers explained that he believes only two condos are really applicable to this zoning text. Meyers explained that this was only for residentially zoned properties and felt that there were only two properties that don't already have a special use permit. Meyers advised that the airport could also be in this category but that he would need to do further research.

Commissioner Pearson felt that as written, he believes it is a good compromise. Pearson thought it was flexible to meet the needs of the residents while keeping control of it. Pearson agreed with

Commissioner Mendenhall's comments about the "intensity" of the use and nonconforming structure portions of the proposed text.

Meyers advised that he would bring the proposal back officially in a future meeting.

No action taken.

Commissioner Pearson opened a public hearing to discuss proposed text amendments to the City of Okoboji Zoning Regulations pertaining to the creation of an A-2 Conservation Zoning District and amendments to A-1 Agriculture Zoning District.

There were no comments from the public in either favor, opposition, or neutral.

Commissioner Mendenhall addressed the importance of conservation in the City of Okoboji. Mendenhall advised that she and City Administrator Meyers modeled off of some local communities and addressed previous issues that the City Council had with the previously proposed text amendments.

City Administrator Meyers reminded that lot areas needed to be a minimum of one acre. Meyers discussed the potential for checkboard zoning to ensure there was adequate land to do this. Meyers advised the Planning and Zoning Commission to review permitted and conditional uses. Meyers advised that A-1 was largely the same as it is today but the A-2 pulls out the conservation uses into a CN zoning district.

Commission Shuttleworth felt that the Council concerns had previously were addressed.

Commissioner Pearson and Grand agreed.

Commission McMahon acknowledged the work that has gone into this and reiterated that he is not opposed to conservation. McMahon did not feel like it creates any opportunity that is not already there. McMahon advised that he has property that could be considered for conservation but ultimately he had control over that land. McMahon wondered out loud about the unforeseen circumstances that could be detrimental to the overall well-being and growth of the community. McMahon again said that he respected the idea of conservation but he was not sure how exactly any of this fits into a current or future comprehensive plan. McMahon was not sure that long term this met the zoning needs of the City.

Commissioner Shuttleworth felt that the Comprehensive Plan had language that talks about protection of the watershed and protection of the lake. Shuttleworth felt that this carries out that language. Commissioner Mendenhall read aloud the Comprehensive Plan outline

Commissioner McMahon advised that he still did not feel as though a whole new zoning district was necessary.

City Administrator Meyers touched on other points of the Comprehensive Plan including the encouragement of residents to work with the Iowa Natural Heritage Foundation on conservation practices.

Commissioner Mendenhall felt that this was a statement to the community that the City of Okoboji is conservation minded and reminded the Commission of the original Low Impact Development policies put into place.

City Administrator Meyers reminded that this was a zoning district and could be voluntarily entered or exited by a property owner with approval from the Commission and Council.

Commissioner Grant reiterated Meyers' comment that it gives residents an opportunity to do what they want.

Motion made by Commissioner Shuttleworth and a second by Commission Grant to recommend for approval the amendments made to the A-1 zoning district and the creation of the A-2 zoning district as presented. The following Commissioners voted "AYE": Shuttleworth, Mendenhall, Grant, Pearson. The following Commissioners voted "NAY": McMahon. Motion approved 4-1.

City Administrator requested that a Commissioner be present at the City Council meeting to help discuss this with the City Council.

MEETING ADJOURNED.

Perry Pearson, Chairperson

Michael Meyers, City Administrator